

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[Use this form to sue for employment discrimination. NEATLY print in ink (or type) your answers.]

Elizabeth A. Reese, Plaintiff

v.

Denis McDonough, Secretary
 U.S. Department of Veterans Affairs, Agency,

1 : 23 CV 38

Case Number

[For a new case in this court, leave blank.
 The court will assign a case number.]

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

EMPLOYMENT DISCRIMINATION COMPLAINT

1. My address is: 4335 Great Oak Drive North Charleston SC, 29418
2. My telephone number is: (574) 215-2473
3. The Defendant's address is: 810 Vermont Avenue, NW Washington, D.C. 20420
4. This action is brought for employment discrimination pursuant to:
 - ☒ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17.
 [race, color, gender, religion, national origin]
 - ☐ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 to 634.
 - ☒ Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12112 to 12117.
 - ☐ Other: _____
5. I filed a charge of discrimination with the Equal Employment Opportunity Commission or the
 Indiana Civil Rights Commission on: April 29, 2021 (Formal)
6. The date on my Notice of Right to Sue letter is: 10/26/2022
7. The date I received my Notice of Right to Sue letter was: 10/26/2022

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

CLAIMS and FACTS

DO: Write a short and plain statement using simple English words and sentences.

DO NOT: Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how the defendant discriminated against you.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

DO NOT: Include social security numbers, dates of birth, or the names of minors.

DO: Number your paragraphs. [*The first paragraph has been numbered for you.*]

1. Jan 7, 2021, I contacted VISN10 EEO (HR added) to report being harassed & bullied by Melissa Broughton and Tabitha Lewis since the consolidation of VISN10 MCA. I requested them to stop, it just became worse, a hostile work environment and constant fear. They took the ECS Pilot spot that I had for 10 years and gave it to 2 others. FMLA wrongfully denied for weeks regarding my son and mocked me. It was only approved for 1.5 days AFTER a formal complaint was submitted. I had a call and was accused of not doing my job, so I emailed proof that countered the accusations; Not 2 hours later I received notification of the ePerformance that was closed out. I wouldn't sign because it was back dated & had two positions duties listed. Melissa Broughton added a fabricated negative note after I declined to sign. I felt they were trying to fire me or silence me. I knew I would never be treated fairly again; I felt no choice but to resign.
2. I was subjected to a harassment/hostile work environment based on reprisal, prior EEO activity by my supervisor Melissa Broughton, MCA supervisory program analyst and second line supervisor Tabitha Lewis, MCA Operations Manager when on or about December 2020 Tabitha Lewis changed my assignment of duties as a result of the restructuring of the department. On or about December 17th, 2020, I spoke to Melissa Broughton about my SF-50 box 37 code being changed from 1272 to 8888, Melissa Broughton indicated that she would talk to Tabitha Lewis and get back to me but did not. On or about January 8th, 2021, I spoke with Melissa Broughton regarding being called out excessively during training sessions conducted twice a week for positions that were just supposed to be reassigned. I was singled out on phone calls and made fun of by Melissa Broughton. I felt retaliated against. I felt retaliated against by Melissa Broughton as a result of an initial contact I had made with the EEO program manager on 01/07/2021. Once Melissa Broughton and Tabitha Lewis knew I contacted EEO, I was singled out on phone calls and spoken to in a demeaning manner kept in fear and made fun of. I feel I was being treated this way due to previous communications with the EEO program manager.
3. I felt retaliated against by both Tabitha Lewis, MCA Operations Manager, and Melissa Broughton due to reaching out to the local EEO program manager. I was harassed and bullied after I noticed that we were not told the truth regarding being removed from the union. I was forced into the position. The position was not voluntarily accepted, they were mandatory because there were no other options. When I reached out to EEO and asked questions about the details regarding the union, supervision and the Performance elements, I was treated with anger, bullied and harassed. Tabitha Lewis and Melissa Broughton retaliated against me by causing the delay and misdirection of my much-needed FMLA which resulted in irreconcilable harm as I had to seek employment elsewhere; five states away. The absence out of state for orientation that began on

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June 21st, 2021 resulted in me not being able to be present for my son who ultimately took his life on June 24th, 2021. The very basis for why I was desperately attempting to get the FMLA approved.

4. Many times, throughout the VA's EEO process I felt as if it was designed to go through the motions to make it all look like they were upholding the law. Some of my own ROI was written in a way to look in favor of the agency. They included and excluded documents in the same way. When I submitted them on my own for court, they were ignored. During negotiations, the agency attorney made two small offers. After I had to let go of my attorney because it was causing financial distress, the offers were pulled completely by the agency.

5. The first pre-hearing was April 29th, 2022. One year after I submitted my formal complaint. As I was entering the online meeting, the conversation was already started between my attorney and Judge Momah; whom I heard say, "I can tell you right now she is not going to get it". Referring to a \$300,000.00 settlement. The hearing hadn't started, yet he had a decision already. The agency attorney let the judge know that we were at an impasse because we were too far apart on what was being requested. She offered 2k. Judge Momah said it was his understanding that the agency did not dismiss any of the claims. The agency attorney agreed. The judge said we only had to establish liability. Judge Momah set the hearing for June 13th & 14th, 2022 and asked if there was anything he still needed to rule on. The agency had nothing further. When the hearing started, day one was very full but went well. The start of day 2 was different. The tone of the judge was different, and the agency attorney was very upbeat. Called to witness was my 2 persons. The judge then asked the agency attorney for ending arguments. After he asked for my ending arguments, he said are you finished, and dismissed the case in favor of the agency. Did not allow me to question any of the agency witnesses.

RELIEF – If you win this case, what do you want the court to order the defendant to do?

Seek to recover non-economic damages in the amount of \$300,000 for pain & suffering and emotional distress. Mental anguish, stress, anxiety, and physical health ailments. Sought medical treatment resulting from discrimination, harassment and retaliatory conduct. Reimbursement of attorney's fees, medical costs, moving fees, that are an ongoing expense and funeral expenses for the Agency's actions that caused my son's death.

DOCUMENTS – I have attached a copy of the following documents:

- ☒ Charge Of Discrimination form filed with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission
- ☒ Notice of Right to Sue letter
- ☐ Other: _____

FILING FEE – Are you paying the filing fee?

- ☒ Yes, I am paying the \$402.00 filing fee. I understand that I am responsible to notify the defendant about this case as required by Federal Rule of Civil Procedure 4. *[If you want the clerk to sign and seal a summons, you need to prepare the summons and submit it to the clerk.]*
- ☐ No, I am filing a Motion to Proceed In Forma Pauperis and asking the court to notify the defendant about this case.

[Initial Each Statement]

E.R. I will keep a copy of this complaint for my records.

E.R. I will promptly notify the court of any change of address.

E.R. I declare **under penalty of perjury** that the statements in this complaint are true.



Signature

01/23/2022

Date